UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No._____________

Carucel Investments, L.P., a Delaware limited partnership,

Plaintiff,

v.

Novatel Wireless, Inc., a Delaware corporation, AT&T Mobility LLC, a Delaware limited liability company, Verizon Communications, Inc. a Delaware corporation, and TigerDirect, Inc., a Florida corporation,

Defendants.

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Carucel Investments, LP ("Carucel") states the following as its Complaint against Defendants Novatel Wireless, Inc. ("Novatel"), AT&T Mobility LLC ("AT&T"), Verizon Communications, Inc. ("Verizon"), and TigerDirect, Inc. ("TigerDirect") (all of the foregoing defendants are collectively referred to as "Defendants" in this Complaint):

I.

NATURE OF THE ACTION

1. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. §§ 1, *et seq*.

2. Carucel is informed and believes, and thereupon alleges, that Defendants have been and are infringing claims of U.S. Patent No. 7,221,904 (the "'904 Patent"), U.S. Patent No.

7,848,701 (the "'701 Patent"), U.S. Patent No. 7,979,023 (the "'023 Patent"), U.S. Patent No. 8,463,177 (the "'177 Patent"), U.S. Patent No. 8,718,543 (the "'543 Patent"), and U.S. Patent No. 8,849,191 (the "'191 Patent") (collectively the "Asserted Patents").

II.

THE PARTIES

3. Plaintiff Carucel is a Delaware limited partnership with its principal place of business at 3121 N.E. 51st Street, #401, Fort Lauderdale, Florida 33308.

4. Carucel is informed and believes, and thereupon alleges, that Defendant Novatel is a Delaware corporation with its principal place of business at 9645 Scranton Rd., Suite 205, San Diego, California 92121.

5. Carucel is informed and believes, and thereupon alleges, that Defendant AT&T is a Delaware limited liability company with its principal place of business at 1025 Lenox Park Blvd. NE, Atlanta, GA 30319.

6. Carucel is informed and believes, and thereupon alleges, that Defendant Verizon is a Delaware corporation with its principal place of business at 1095 Avenue of the Americas New York, NY 10016.

7. Carucel is informed and believes, and thereupon alleges, that Defendant TigerDirect is a Florida corporation with its principal place of business at 7795 W. Flagler Street, Miami, Florida 33144.

8. Upon information and belief, each of the Defendants has substantial contacts and transacts substantial business, either directly or through its agents, on an ongoing basis in this judicial district and elsewhere in the United States.

9. Unless specifically stated otherwise, the acts complained of herein were committed by, on behalf of, and/or for the benefit of Defendants.

III.

JURISDICTION AND VENUE

10. This action arises under the Patent Laws of the United States, 35 U.S.C. §§ 1, *et*

seq., including 35 U.S.C. § 271. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

11. This Court has personal jurisdiction over each of the Defendants because each has substantial contacts and/or conducts business in the State of Florida and in this judicial district, and has been infringing claims of the Asserted Patents in Florida and elsewhere. This Court also has personal jurisdiction over each of the Defendants because each has committed a tortious act causing injury within Florida, namely, one or more of the acts of patent infringement alleged herein.

12. Additionally, this Court has personal jurisdiction over Novatel because Novatel has purposefully placed infringing products in the stream of commerce through its established distribution channels, which include national retailers such as Florida-based TigerDirect, knowing that the infringing products were likely to be distributed and sold in Florida, and thus, its conduct and connections with Florida are such that it should have reasonably anticipated being brought into this Court.

13. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b), 1391(c), 1391(d) and/or 1400(b) because a substantial part of the events giving rise to Carucel's claims occurred in the Southern District of Florida and because each of the Defendants is subject to personal jurisdiction in the Southern District of Florida.

IV.

THE PATENTS IN SUIT

14. On May 22, 2007, the ’904 Patent, entitled “Mobile Communication System with Moving Base Station,” was duly and legally issued by the United States Patent and Trademark Office to the named inventor Charles D. Gavrilovich, after a full and fair examination. A true and correct copy of the ’904 Patent is attached as Exhibit A to this Complaint.

15. The ’904 Patent is valid and enforceable.

16. On December 7, 2010, the ’701 Patent, also entitled “Mobile Communication System with Moving Base Station,” was duly and legally issued by the United States Patent and

Trademark Office to the named inventor Charles D. Gavrilovich, after a full and fair examination. A true and correct copy of the ’701 Patent is attached as Exhibit B to this Complaint.

17. The ’701 Patent is valid and enforceable.

18. On July 12, 2011, the ’023 Patent, also entitled “Mobile Communication System with Moving Base Station,” was duly and legally issued by the United States Patent and Trademark Office to the named inventor Charles D. Gavrilovich, after a full and fair examination. A true and correct copy of the ’023 Patent is attached as Exhibit C to this Complaint.

19. The ’023 Patent is valid and enforceable.

20. On June 11, 2013, the ’177 Patent, also entitled “Mobile Communication System with Moving Base Station,” was duly and legally issued by the United States Patent and Trademark Office to the named inventor Charles D. Gavrilovich, after a full and fair examination. A true and correct copy of the ’177 Patent is attached as Exhibit D to this Complaint.

21. The ’177 Patent is valid and enforceable.

22. On May 6, 2014, the ’543 Patent, also entitled “Mobile Communication System with Moving Base Station,” was duly and legally issued by the United States Patent and Trademark Office to the named inventor Charles D. Gavrilovich, after a full and fair examination. A true and correct copy of the ’543 Patent is attached as Exhibit E to this Amended Complaint.

23. The ’543 Patent is valid and enforceable.

24. On September 30, 2014, the ’191 Patent, also entitled “Mobile Communication System with Moving Base Station,” was duly and legally issued by the United States Patent and Trademark Office to the named inventor Charles D. Gavrilovich, after a full and fair examination. A true and correct copy of the ’191 Patent is attached as Exhibit F to this Amended Complaint.

25. The ’191 Patent is valid and enforceable.

26. Carucel is the assignee and owner of all rights, title, and interest in and to the Asserted Patents, including the right to assert all causes of action arising under the Asserted Patents and all rights to any remedies for infringement.

27. Carucel has complied with the requirements of 35 U.S.C. § 287(a).

V.

DEFENDANTS’ ACTS OF INFRINGEMENT

28. Carucel is informed and believes, and thereupon alleges, that Novatel has made, used, sold, imported and/or offered for sale, and/or continues to make, use, sell, import and/or offer for sale, mobile broadband products in the United States that fall within the scope of one or more claims of the Asserted Patents. Upon information and belief, these infringing products include, but are not limited to, mobile broadband hotspot devices such as the MiFi 6620L, MiFi 2 Global Hotspot, MiFi 6620, AT&T MiFi Liberate (Model No. MiFi5792), MiFi 5510L, MiFi 5510, MiFi 4620L, MiFi 4510L, MiFi 4082, MiFi 500 (Model No. MIFI5580), Sprint MiFi 500, among others (the “Accused Products”).

29. Upon information and belief, the other Defendants – Verizon, AT&T, and TigerDirect – have been and are infringing the Asserted Patents by using, selling, importing and/or offering for sale one or more of the Accused Products. On information and belief, TigerDirect offers the MiFi 500 and MiFi 4082 for sale on its website www.tigerdirect.com; Verizon offers the MiFi 6620L for sale on its website www.verizonwireless.com; and AT&T advertises and offers the MiFi Liberate for sale on its website www.att.com.

30. Carucel is informed and believes, and thereupon alleges, that each Defendant has made, used, sold, imported and/or offered for sale, and/or continues to make, use, sell, import and/or offer for sale, products in the United States that fall within the scope of one or more claims of the Asserted Patents.

31. Without license or authorization, Defendants’ making, use, sale, offer for sale, and/or importation of the Accused Products in the United States constitute acts of direct

infringement of the Asserted Patents.

32. As a result of Defendants' infringement of the Asserted Patents, Carucel is entitled to recover monetary damages under 35 U.S.C. § 284 in an amount to be proven at trial, but in no event less than a reasonable royalty to compensate for Defendants' infringements, together with interest and costs as fixed by the Court.

VI.

CLAIMS FOR RELIEF

COUNT I

(Infringement of U.S. Patent No. 7,221,904

Under 35 U.S.C. § 271, et seq.)

(Against All Defendants)

33. Carucel incorporates by reference and realleges paragraphs 1 through 32 above as if fully set forth here.

34. Carucel is informed and believes, and thereupon alleges, that each of the Defendants has infringed and continues to infringe the '904 Patent literally and/or under the doctrine of equivalents, by making, using, offering to sell, selling, and/or importing one or more of the Accused Products in this district and elsewhere in the United States. Upon information and belief, each Defendant has and continues to infringe the '904 Patent directly or through intermediaries.

COUNT II

(Infringement of U.S. Patent No. 7,848,701

Under 35 U.S.C. § 271, et seq.)

(Against All Defendants)

35. Carucel incorporates by reference and realleges paragraphs 1 through 32 above as if fully set forth here.

36. Carucel is informed and believes, and thereupon alleges, that each of the Defendants has infringed and continues to infringe the '701 Patent literally and/or under the

doctrine of equivalents, by making, using, offering to sell, selling, and/or importing one or more of the Accused Products in this district and elsewhere in the United States. Upon information and belief, each Defendant has and continues to infringe the ’701 Patent directly or through intermediaries.

COUNT III

(Infringement of U.S. Patent No. 7,979,023

Under 35 U.S.C. § 271, et seq.)

(Against All Defendants)

37. Carucel incorporates by reference and realleges paragraphs 1 through 32 above as if fully set forth here.

38. Carucel is informed and believes, and thereupon alleges, that each of the Defendants has infringed and continues to infringe the ’023 Patent literally and/or under the doctrine of equivalents, by making, using, offering to sell, selling, and/or importing one or more of the Accused Products in this district and elsewhere in the United States. Upon information and belief, each Defendant has and continues to infringe the ’023 Patent directly or through intermediaries.

COUNT IV

(Infringement of U.S. Patent No. 8,463,177

Under 35 U.S.C. § 271, et seq.)

(Against All Defendants)

39. Carucel incorporates by reference and realleges paragraphs 1 through 32 above as if fully set forth here.

40. Carucel is informed and believes, and thereupon alleges, that each of the Defendants has infringed and continues to infringe the ’177 Patent literally and/or under the doctrine of equivalents, by making, using, offering to sell, selling, and/or importing one or more of the Accused Products in this district and elsewhere in the United States. Upon information and belief, each Defendant has and continues to infringe the ’177 Patent directly or through

intermediaries.

COUNT V

(Infringement of U.S. Patent No. 8,718,543

Under 35 U.S.C. § 271, et seq.)

(Against All Defendants)

41. Carucel incorporates by reference and realleges paragraphs 1 through 32 above as if fully set forth here.

42. Carucel is informed and believes, and thereupon alleges, that each of the Defendants has infringed and continues to infringe the ’543 Patent literally and/or under the doctrine of equivalents, by making, using, offering to sell, selling, and/or importing one or more of the Accused Products in this district and elsewhere in the United States. Upon information and belief, each Defendant has and continues to infringe the ’543 Patent directly or through intermediaries.

COUNT VI

(Infringement of U.S. Patent No. 8,849,191

Under 35 U.S.C. § 271, et seq.)

(Against All Defendants)

43. Carucel incorporates by reference and realleges paragraphs 1 through 32 above as if fully set forth here.

44. Carucel is informed and believes, and thereupon alleges, that each of the Defendants has infringed and continues to infringe the ’191 Patent literally and/or under the doctrine of equivalents, by making, using, offering to sell, selling, and/or importing one or more of the Accused Products in this district and elsewhere in the United States. Upon information and belief, each Defendant has and continues to infringe the ’191 Patent directly or through intermediaries.

VII.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Carucel asks this Court to enter judgment in its favor against Defendants and grant the following relief:

A. An adjudication that Defendants have infringed the Asserted Patents;

B. An accounting of all damages sustained by Carucel as a result of Defendants' acts of infringement of the Asserted Patents;

C. An award to Carucel of actual damages adequate to compensate Carucel for Defendants' acts of patent infringement, together with costs, expenses, prejudgment and post judgment interest as provided under 35 U.S.C. § 284; and

D. Any further relief that this Court deems just and proper.

VIII.

JURY DEMAND

Plaintiff Carucel requests a jury trial on all issues triable to a jury in this matter.

Dated: May 27, 2015

Respectfully submitted,

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